

- iii) the molar ratio of the total quantity of added phenylglycine derivative to the total quantity of added 6-APA is less than 2.5.

9. (Twice Amended) Process according to Claim 1, wherein the pH of the reaction mixture is lowered.
10. (Twice Amended) Process according to Claim 1, wherein the temperature of the reaction mixture is lowered.

REMARKS

Upon entry of this Amendment, claims 1-10 will be pending, of which claim 1 is independent. The above amendments were made to further clarify the instant invention and/or materially simplify the issues for appeal. Support for these changes can be found throughout the specification, accordingly no new matter has been introduced and entry of this Amendment is proper.

The claims stand rejected under 35 USC §102 or, in the alternative, 35 USC §103 as being anticipated or obvious over WO 92 01061 (WO '061), WO 95 03420 (WO '420), or WO 96 02663 (WO '663). The Applicants respectfully traverse these rejections for at least the following reasons.

None of the cited references describe the batch process claimed by the present invention and, therefore, do not anticipate the present invention. Specifically, WO '061 nowhere describes a solution concentration of 6-APA lower than 300 mM. Similarly, WO '420, nowhere describes the combined concentration of 6-APA and